IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 22ND JUNE 2007 / 1ST ASHADHA 1929

WP(C).No. 8862 of 2004(E)

PETITIONER:

MRS.MARY MATHEW, W/O.LATE K.O.MATHEW,
KANIYAMKUDIYIL HOUSE, VALAYANCHIRANGARA P.O.,
PERUMBAVOOR.

BY ADV. SRI.M.C.CHERIAN
SMT.ASHA CHERIAN
SMT.SARAMMA CHERIAN
SRI.E.D.GEORGE
SRI.P.M.SANEER

RESPONDENTS:

THE EXECUTIVE ENGINEER, PY.I.P.DIVISION
NO.II, KANNOOR.

BY GOVERNMENT PLEADER SRI. SANTHOSH KUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 22/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 8862/2004 E

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE REPRESENTATION DT. 31/1/2004 SENT BY THE PETITIONER TO THE RESPONDENT.

EXT.P2. COPY OF THE JUDGMENT DT. 7/10/2003 IN WPC NO. 242/2003.

True copy

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KURIAN JOSEPH, J.

W.P. (C). NO. 8862 OF 2004

Dated this the 22nd day of June, 2007.

J U D G M E N T

This writ petition is filed with the following prayers.

i) Issue a writ of mandamus or any other appropriate writ, order or direction, directing the respondent to pay to the petitioner within a specified time limit, the final bill amount, and security and retention, in respect of the work "PY. I.P. Constructing an acquiduct and road over bridge at Parassinikadavu, from Ch: 42038 to 42281 of Main Canal - Part I".

ii) Issue a direction and declaration that the petitioner is entitled to get the final bill amount, security, and retention amount, in respect of the work in question done by her husband late Sri. K.O. Mathew.

2. It is seen from the counter affidavit that the objection is with regard to the pendency of vigilance case. But, it is pointed out by the petitioner that there is no vigilance case involving her late husband, as far as the work executed by him is concerned. It is also submitted that as per Exhibit P2, the judgment in O.P. No. 242/2003, the amounts due to him have already been

disbursed and that work is Part II of the work referred to in the writ petition.

Therefore, this writ petition is disposed of directing the respondent to disburse the amounts due to the late husband of the petitioner in case he is not an accused in the vigilance case. This shall be done within a period of two months from the date of production of a copy of this judgment. The question of interest is left open. It is also made clear that the amounts, if any, by way of security will also be disbursed to the petitioner.

KURIAN JOSEPH, JUDGE.

smp